



NOTICE OF MEETING

CABINET MEMBER FOR PLANNING, REGENERATION & ECONOMIC DEVELOPMENT

WEDNESDAY, 13 JULY 2016 AT 9.30 AM

CONFERENCE ROOM A - CIVIC OFFICES

Telephone enquiries to Vicki Plytas 02392 834058

Email: vicki.plytas@portsmouthcc.gov.uk

Decision maker -

Councillor Donna Jones (Conservative) Leader of the Council with responsibilities for PRED

Group Spokespersons

Councillor Yahiya Chowdhury, Labour

Councillor Ben Dowling, Liberal Democrat

Councillor Colin Galloway, UK Independence Party

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendation/s). Email requests are accepted.

AGENDA

- 1 Apologies for Absence
- 2 Declarations of Members' Interests
- 3 Victoria Park Action Plan (Pages 1 - 32)

The purpose of this report is to seek approval of the Victoria Park Action Plan.

RECOMMENDED that the Leader of the Council with responsibilities for

Planning, Regeneration and Economic Development approves the Victoria Park Action Plan.

4 Update on Building Control Partnership

A verbal update will be provided by the Assistant Director of Culture and City Development.

5 Exclusion of Press and Public

(NB Please note that appendix 1 of this report is Exempt and if Members wish to refer to it, there is provision to do so following the exclusion of the press and public)

That in view of the contents of the following item on the agenda the Leader of the Council with responsibilities for PRED is RECOMMENDED to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the press and public be excluded for the consideration of the following item on the grounds that the appendix to the report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972”.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012, regulation 5, the reason for exemption of the listed item is shown below.

(NB The exempt/confidential committee papers on the agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. Members are reminded of standing order restrictions on the disclosure of exempt information and are invited to return their exempt documentation to the Senior Local Democracy Officer at the conclusion of the meeting for shredding.)

The public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

<u>Item</u>	<u>Exemption Para No.*</u>
6. Northern Quarter: Termination of Development Agreement	3

***Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)**

6 Northern Quarter: Termination of Development Agreement (Pages 33 - 36)

The purpose of the report is to provide the background to the recommendation to terminate the development agreement and agreement for lease between Portsmouth City Council, and Centros Portsmouth Partnership Limited (CPLP).

RECOMMENDED

- (1) That the development agreement and agreement for lease be terminated.**
- (2) That a report is prepared for the S151 Officer and Deputy Chief Executive for action in consultation with the Leader of the Council with responsibilities for PRED on:**
 - i. any sums outstanding between the parties and the rights of recovery,**
 - ii. property implications regarding the transfer of titles or otherwise of the properties currently held in trust on behalf of CPLP.**

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Title of meeting:	Leader of the Council with responsibilities for Planning, Regeneration and Economic Development (PRED)
Date of meeting:	13 th July 2016
Subject:	Victoria Park Action Plan
Report by:	Assistant Director for Culture and City Development
Wards affected:	Charles Dickens
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 The purpose of this report is to seek approval of the Victoria Park Action Plan.

2. Recommendations

It is recommended that the Leader of the Council with responsibilities for Planning, Regeneration and Economic Development approves the Victoria Park Action Plan.

3. Background

- 3.1 The City Development Team (in conjunction with other council services) is producing a draft Public Realm Strategy for the city. The purpose of the Strategy is to establish a coordinated, consistent and high quality approach to all work in the public realm¹ and in particular to:

- articulate a vision for the city to encourage investment;
- set out the background and context for public realm proposals;
- provide a framework of guidance within which to assess proposals for development (including being a material consideration in the determination of planning applications) and other improvements, and prioritise council spending and investment.

- 3.2 During the course of producing the draft public realm strategy, the City Development Team recognised that due to the importance of Victoria Park, not only as a highly valued place / space within the city (and being one of only three listed Park's in the city) but also with its many complimentary and competing functions (cutting across many different council services), it needed specific guidance to help inform the range of decisions which may arise in relation to maintenance and other matters, as well as

¹ The definition of 'Public Realm' can include roads, streets, pedestrian routes, cycleways, publicly accessible open spaces such as parks and squares, and spaces between and around buildings.

decisions on its future use and possible development opportunities in and around the Park.

- 3.3 The purpose of the Victoria Park Action Plan (copy attached at Appendix 1) is to provide a clear set of management and development principles against which any future proposals or maintenance / budget / investment / property decisions can be tested to ensure a consistent approach.
- 3.4 The Victoria Park Action Plan also proposes five (5) projects to prioritise the enhancements works. These projects can be delivered over a number of years, as and when funding becomes available.
- 3.5 Project two (on page 12 of the document) refers to enhancement works to the 'Lodge' to improve its offer and its wider contribution to the use of the Park, regardless of who the specific operator of the 'Lodge' may be. Property management decisions the council has made regarding the current leaseholder of the building are not a matter that are being considered as part of this report.
- 3.6 It is intended that the Victoria Park Action Plan will be incorporated into the draft public realm strategy. The draft public realm strategy, once adopted, will become a supplementary planning document (SPD). This draft strategy will be reported to Cabinet at a later date.

4. Reasons for recommendations

- 4.1 To provide a clear set of management and development principles against which any future proposals, maintenance or other council decisions can be tested to ensure a consistent approach.

5. Equality impact assessment and Public Sector Equality Duty

- 5.1 The Equality Act 2010 requires that the public sector equality duty (the PSED) is noted in this decision.
- 5.2 The PSED is to have due regard to the need to
 - (a) eliminate unlawful discrimination;
 - (b) advance equality of opportunity,
 - (c) foster good relations, between people with protected characteristics and those without it.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 5.3 The PSED is not a duty to achieve any of those things, or to take certain steps, nor is it a duty to avoid taking steps which might be retrograde, as far as those aims are concerned.
- 5.4 In this instance the proposals have been considered for potential impact on those with protected characteristics, and it is noted that while the action plan will be considered in the context of future decisions around Victoria Park, it provides a

framework for those decisions rather than a governing plan or strategy. There is at present no anticipated impact requiring an Equalities Impact Assessment: it will be those future decisions (such as the public realm strategy document) which each should be the subject of Equalities Impact Assessments in appropriate cases, and consideration should be given to the need for them in each instance.

5.5 The advice in this instance is that provided the decision-maker is mindful of the test, and notes the comments at 5.4, it will be satisfied.

6. Legal implications

6.1 The Action Plan, if adopted, will provide a framework for future decisions (of whatever nature and in relation to the full range of council functions), and if incorporated into the public realm strategy will be material to, and have weight in the context of the decisions of the council as local planning authority.

6.2 In making the decision, the decision-maker is required to have regard to the public sector equality duty, which is referred to at paragraph 5, above.

7. Director of Finance's comments

7.1 The Victoria Park Action Plan sets out the proposed management and development principles for the future of the Park. It also sets out five proposed projects that prioritise enhancement works to the Park and its infrastructure. Whilst there is a budget for the ongoing maintenance of the Park, there is no funding for these projects at this stage. These projects can only be delivered if additional funding becomes available both for initial capital costs, but also any ongoing revenue implications.

.....
Signed by:

Appendices:

Appendix 1: Victoria Park Action Plan

Appendix 2: Preliminary Equalities Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

.....
Signed by:

Victoria Park

Action Plan - July 2016

www.portsmouth.gov.uk



Victoria Park has been a constant feature in the centre of Portsmouth for over 150 years. Its initial role as a space for outdoor leisure and green space in a busy urban centre with limited park land has not fundamentally changed. However the dynamics of the urban form around it, and the people who use it and pass through it is changing, creating tensions and opportunities for the space. This action plan for Victoria Park seeks to identify those factors and establish a clear set of priorities and processes to take the park forward for the next 150 years.

CURRENT SITUATION

- The park is well used as both a destination and as a through route.
- It is a significant community green space with a large residential population within 5mins walking distance.
- Destination for children’s play areas, and a quiet area with seating within the city centre.
- The park is well used as a route (NW to SE - see Fig. 1) from Queens Street (The Hard & Historic Dockyards, Portsea) into Guildhall Square and the Civic Centre, via the Cenotaph and War Memorial.
- Bishop Crispin Way which runs along the northern boundary of the park is also a key pedestrian / cycle route from Queens Street into Commercial Road and the City Centre.
- The park includes both pedestrian footpaths and permissive (unmarked) cycle routes. These are still predominately in the same form as the original park design.
- The park has an overall listing (as a Registered Park and Garden) and numerous structures within it (monuments and fountain) are also individually listed (see Appendix 1).
- The park contains a large number of mature trees of varying quality and age (see Appendix 2).
- The park is currently not open 24hrs (closed at dusk – approx.) and has some issues with anti-social behaviour after dark.
- There are a large number of student accommodation proposals either under construction, in planning, or anticipated (circa 2,500 beds) to the east of the park adjacent to Portsmouth & Southsea Station, and plans to redevelop the university campus to the west of the park.
- The café facility within The Lodge is functional but currently limited in its offer by the building and its surroundings. The ice cream van pitch within the park adjacent to the children’s play area is being used seasonally.



Figure 1. The central boulevard route through Victoria Park

It is critical that a clear set of management and development principles are established against which any future proposals or maintenance can be tested to ensure a consistent approach. A wide range of professional disciplines from across the council, involved in all aspects of the park's operation have been consulted, including;

Policy

- Planning Policy & Development Management (strategic development, city centre masterplan, development projects around the park).
- Conservation (listed parkscapes and buildings).

Management

- Parks (maintenance of the park).
- Arboriculture (management of trees within the park).
- Transport (strategic transport management, routes surrounding the park and active travel management within the park).
- Events Management.
- Property & Housing Services (Leaseholds and Ownerships).

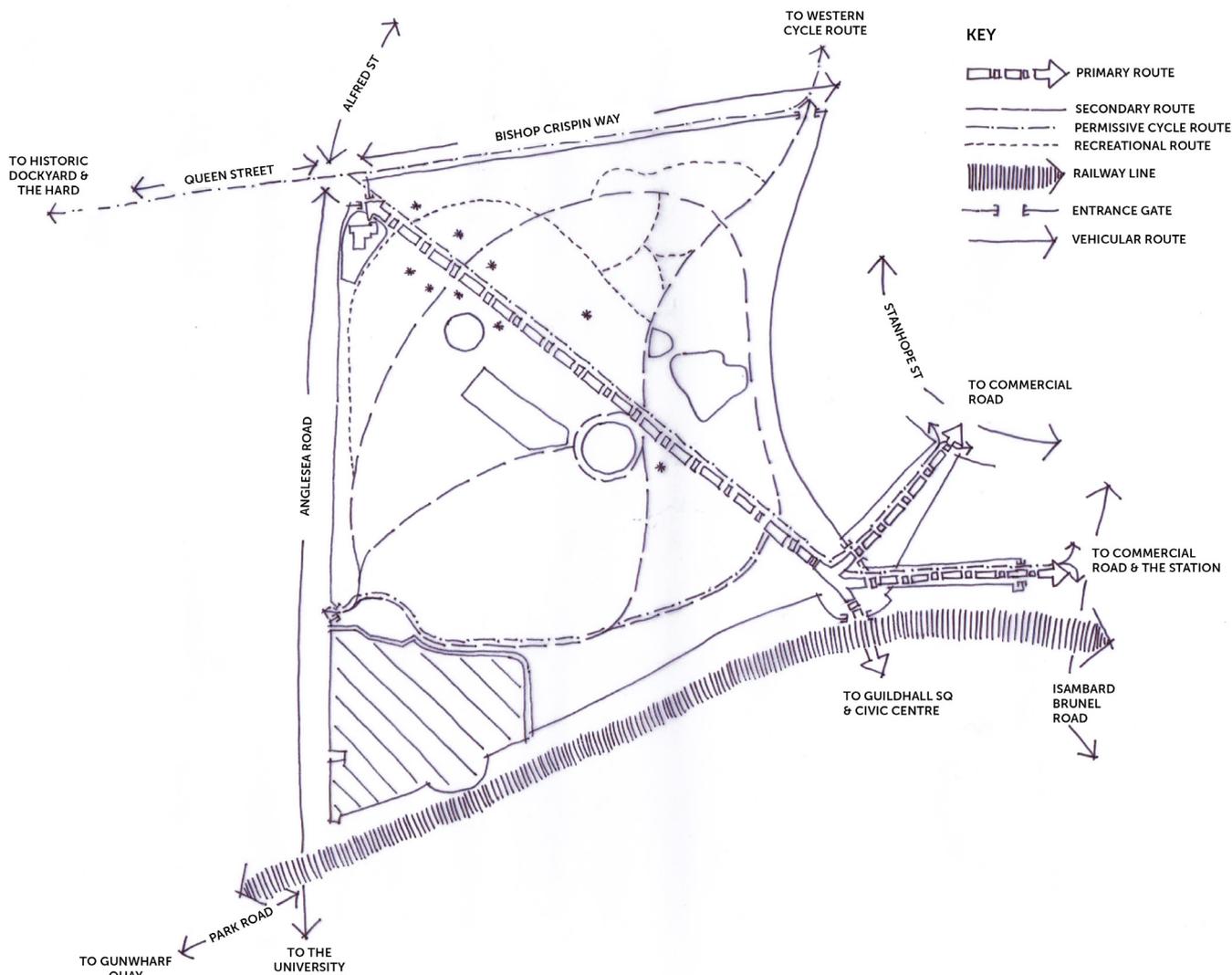


Figure 2. The existing layout of Victoria Park

MANAGEMENT & DEVELOPMENT PRINCIPLES

MANAGEMENT PRINCIPLES

- Retain and enhance the historic design features of the park and where practical and appropriate, reinstate historic design elements which have been lost.
- Support increasing foot and cycle traffic through the park.
- Improve the quality of the existing concession (The Lodge) and ensure that it supports the other management principles.
- Continued provision of space for the seasonal sale of ice cream from a vehicle by an independent retailer.
- Retain and improve facilities for children.
- Retain and improve quiet / reflective spaces.
- Improve the facilities to effectively manage a range of small / medium size public events.
- Create a strategic plan to facilitate 24hr opening if required.
- Future proof park facilities management to ensure long term physical quality and functionality and reduce long term costs.

DEVELOPMENT PRINCIPLES

- Strategic approach to arboriculture and public realm management based around the management principles identified.
- Upgrade the Southern Route to facilitate a larger number of users (pedestrian and informal cycling) associated with increasing student population to match that provided for existing NW / SE movements toward the Civic Centre and facilitate improved maintenance facilities and access.
- Relocate and / or renovate / restructure facilities in the park to improve functionality, specifically the contractors compound, The Lodge and the aviary.
- Plan for physical infrastructure required to facilitate 24hr opening if required, specifically lighting.
- Facilitating public events through provision of flexible internal spaces, utilities and access points.

GENERAL MANAGEMENT & MAINTENANCE

Concessions

No additional permanent concessions will be permitted within the park (including structures which may be classed as temporary) in order to focus opportunities on existing assets within the park (The Lodge) which must be retained. Temporary concessions as part of events are considered appropriate.

Trees & Planting

Manage trees and planting on the basis of focusing on maintaining and improving the overall quality of the individual trees in the park, with long term succession planting plan, and supporting the historic planting approach.

Future tree planting will be based on quality and not quantity. Planting should be focused on the existing northern and eastern feature planting areas, the NW / SE boulevard planting and in augmenting the western and southern boundaries (Areas C & D, see Fig. 3). This includes the re-provision of trees in mitigation of the removal of diseased trees from other parts of the park. Two areas will slowly be cleared through natural wastage and selective removal (Areas A & B, see Fig. 3).

Shrub and flower beds should be maintained in their current layout, except when alteration forms part of a comprehensive approach related to the overall health of the park (e.g. Projects 3 and 4).

Specifically tree & other planting must focus on creating larger open areas in the identified zones to support both the historic form of the park and future events management (see Project 5).

The types of trees considered appropriate for the park is at the discretion of the Arboriculture Officer, shrubs and other plants included within the park will be selected at the discretion of the parks maintenance team. All plant selections should adhere to the management principles of long term physical quality and functionality.

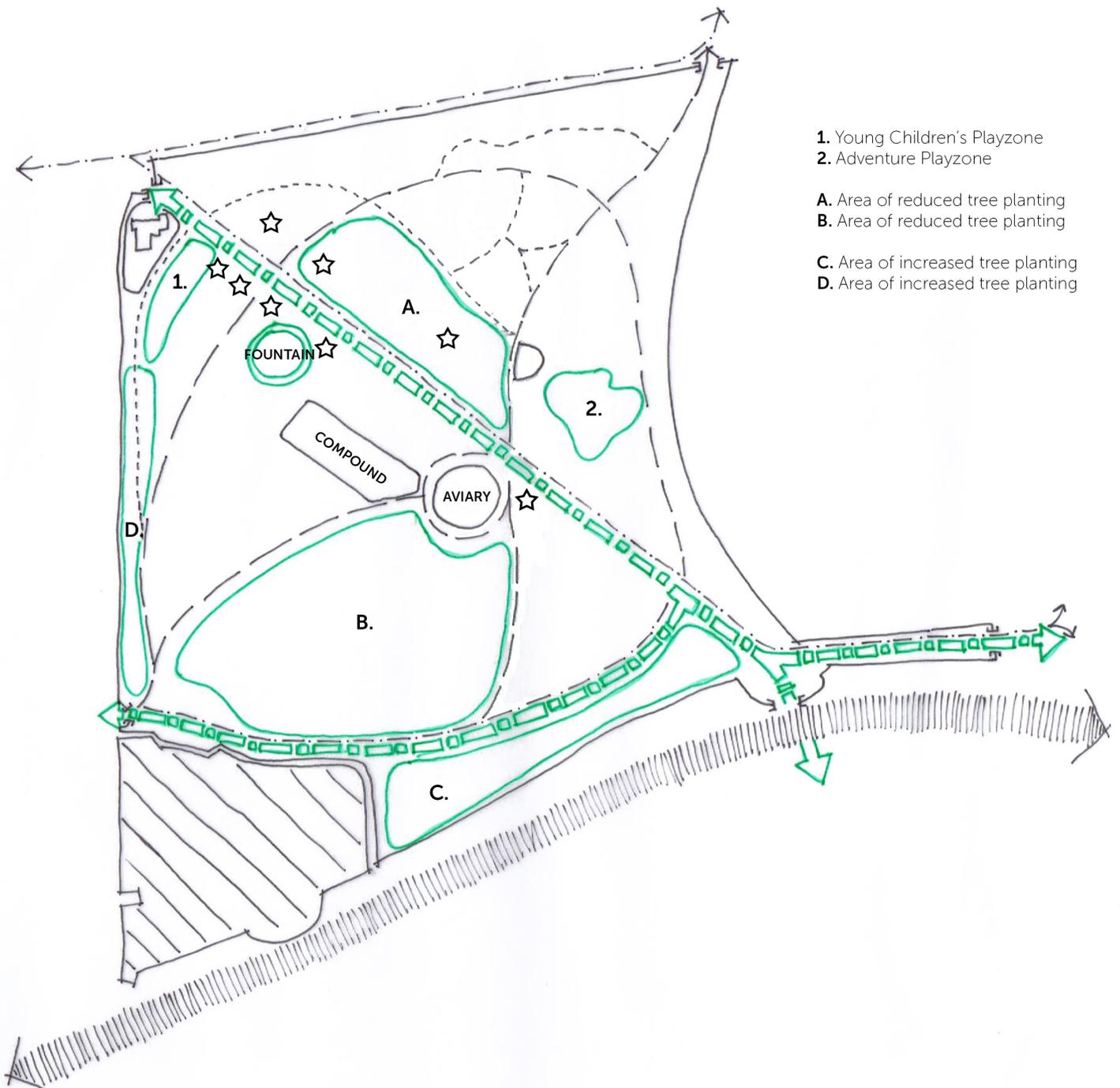


Figure 3. Areas identified in the General Management & Maintenance section

Public Realm Management

Footpaths

Should be maintained on their current alignment unless alteration is specifically agreed (e.g. as part of Projects 1, 2 or 3) with conservation and planning officers. Plain tarmacadam surfaces with shuttered edging should be maintained throughout.

Boundary Treatments

The existing plain railing treatment should be retained around the entire perimeter of the park, intersected by gates. Any replacement of the railings must use the existing design (see Fig. 4) and must be painted black.

On the following boundaries, hedges within the park planting areas should be removed, and planting should be managed in order to ensure visual permeability along the boundary;

- Bishop Crispin Way (see Fig. 5).
- Eastern Boundary to the rear of Stanhope Road.



Figure 4. Existing railings

Built Planting Borders

Should be maintained as per their current form unless an alternative is specifically agreed with the conservation officer, and where appropriate the arboricultural officer.

Seating

Only seating matching the existing design (Fig. 6) may be used within the park, unless it forms part of an integrated feature (e.g. within Project 3). When existing seating is replaced its location should be reviewed to ensure that;

- Provision is focused along the NW / SE Boulevard, quiet spaces in the NE of the park, overlooking play equipment for young children or adjacent to food concessions.
- Located so as not to have a negative impact on the setting of listed monuments or structures.
- Located so as not to have a negative impact on spaces used for events.
- Located to limited overall visual intrusion.



Figure 6. Existing seating style within Victoria Park



Figure 5. Hedges behind railings to be removed from Bishop Crispin Way

Litter Bins

Should use the standard design (Derby E, standard or slim and available in single or double widths - Figs. 7 & 8) as set out in the Public Realm Strategy. When existing bins are replaced their location should be reviewed to ensure that it is;

- Located adjacent to seating, food concessions or entrances.
- Located so as not to have a negative impact on the setting of listed monuments or structures.
- Located so as not to have a negative impact on spaces used for events.
- Located to limited overall visual intrusion.



Figure 7. Standard Litter Bin (Derby E)



Figure 8. Standard Double Litter Bin (Derby E)

Children's Play Equipment

Should be focused on two forms, either within one of two specific zones for play equipment (Areas 1 & 2 - see Fig. 3) or provision of natural play features within the wider park (see examples in Figure 9).

- Area 1 - located adjacent to The Lodge, the area should be the focus of equipment similar to that provided within a 'Local area for play' (LAP) / 'Local equipped area for play' (LEAP) for use by younger children, and associated with outdoor seating for The Lodge (see Project 2). Existing equipment such as 'the train' should eventually be relocated to this area.
- Area 2 - Located adjacent to the eastern boundary, the existing play area should be maintained with equipment similar to that provided within a 'Neighbourhood equipped area for play' (NEAP).
- Opportunities to provide items for natural play within the future development of planting areas should be taken, provided that the items are able to be maintained and are appropriate within the listed setting.



Figure 9. Examples of features which facilitate play can be integrated into areas of natural planting

Memorial Structures

Existing Listed Memorial Structures must not be moved within the park unless a clear rationale is provided which demonstrates that the new location will provide an improved setting for the memorial, and that the relocation is necessary in order to achieve the other key aims set out in this document.

The inclusion of memorial elements within the detailed design of necessary functional items (such as gates) will be permitted.

No additional free standing memorial structures (including benches) may be placed within the park.

Centenary Fountain

The structure itself and its wider setting should be maintained and enhanced as a key feature of the park. Specifically;

- The functionality of the fountain should be maintained including the wall around its edge which can be used for informal seating.
- The fountain should be accessible from the formal route network within the park via a solid surface to allow enjoyment of this feature by those with mobility impairments.
- Any provision of additional street furniture within the park, adjacent to the fountain should have specific regard to its setting, recognising the opportunity to provide visual interest by making the fountain visible from seating areas and pathways, and the potential visually negative implications of excessive street furniture within its setting.

Additional Information

A list of all listed structures within Victoria Park is provided in Appendix 1. Further information regarding the management of trees and historic features is provided in the Arboriculture & Conservation Paper in Appendix 2.

PROJECTS

A series of projects have been identified, which can all individually contribute to the success of the park, but collectively provide a holistic approach which meets the evolving needs of both a range of user groups and management of the park.

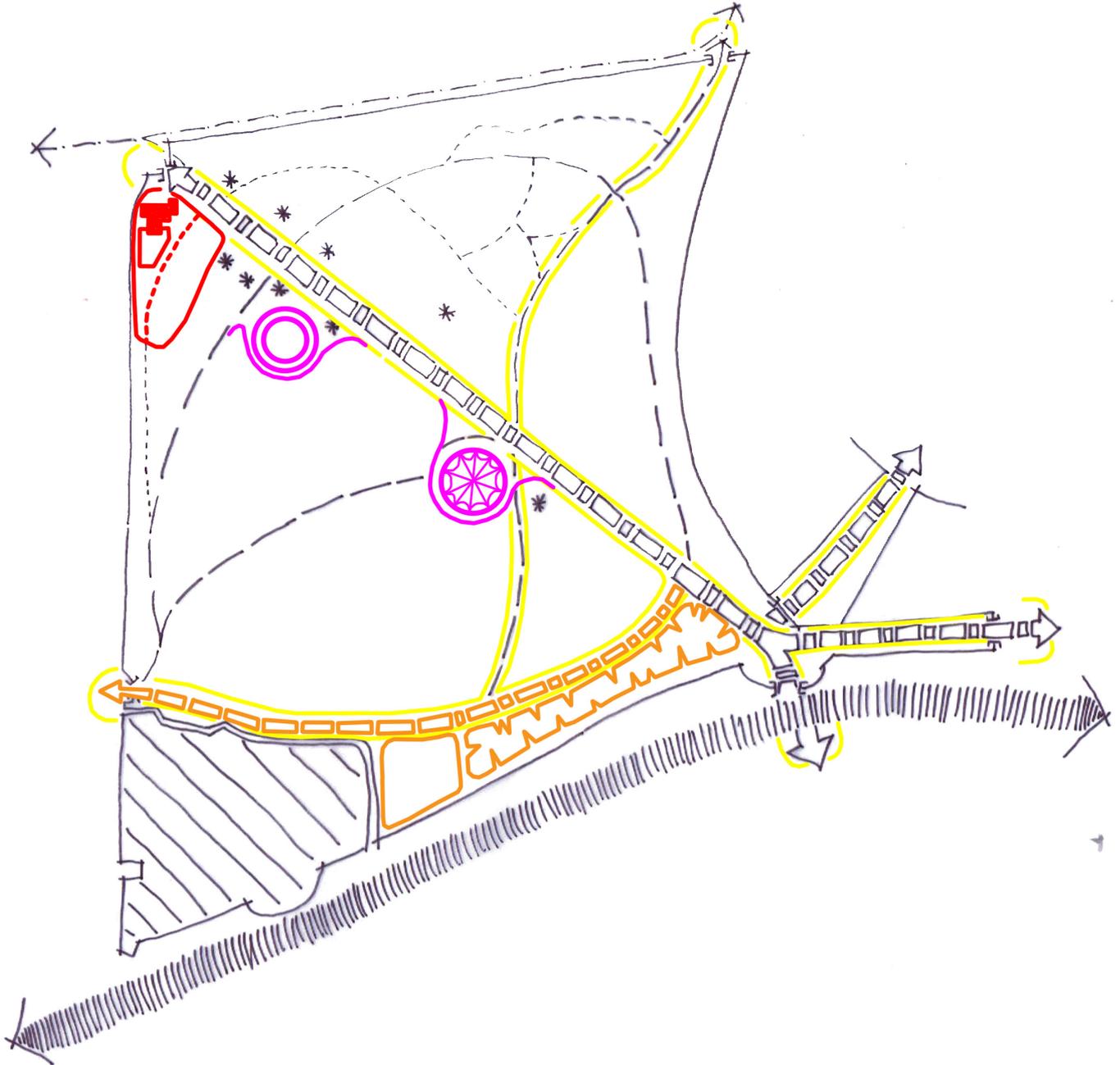


Figure 10. Plan of Project Areas

PROJECT ONE: SOUTHERN ROUTE, CONTRACTOR COMPOUND & MAINTENANCE ACCESS

Project Description

Route improvement and southern boundary development project (see Fig. 12).

Project Aim

To increase capacity along the route for pedestrians / cyclists, facilitate rationalisation and reduction of visual impact of contractor storage facilities, improve water holding capacity within the park and reduce flooding.

Route

Widen and elevate the southern route to eliminate pathway flooding and facilitate increased pedestrian and informal cycle movements. Design to be suitable for vehicular use within the western half to facilitate contractor access and events access (see Project 5).

Contractor & Storage Compound

Potential to develop a new contractor and storage compound between the southern route and southern boundary. This could provide improved storage for essential maintenance and events equipment, and be utilised during events. This would assist in facilitating Projects 3 & 5.

SUDS (Sustainable Urban Drainage)

Replant the area between the southern route and the southern boundary with a scheme to specifically improve the waterholding capacity of this area to reduce localised flooding (see Fig. 11) and contribute to wider improvements in natural drainage capacity.

Timescale & Funding: Short term, project can be developed incrementally and alongside existing maintenance schedule.



Figure 11. Existing drainage problems on the southern boundary

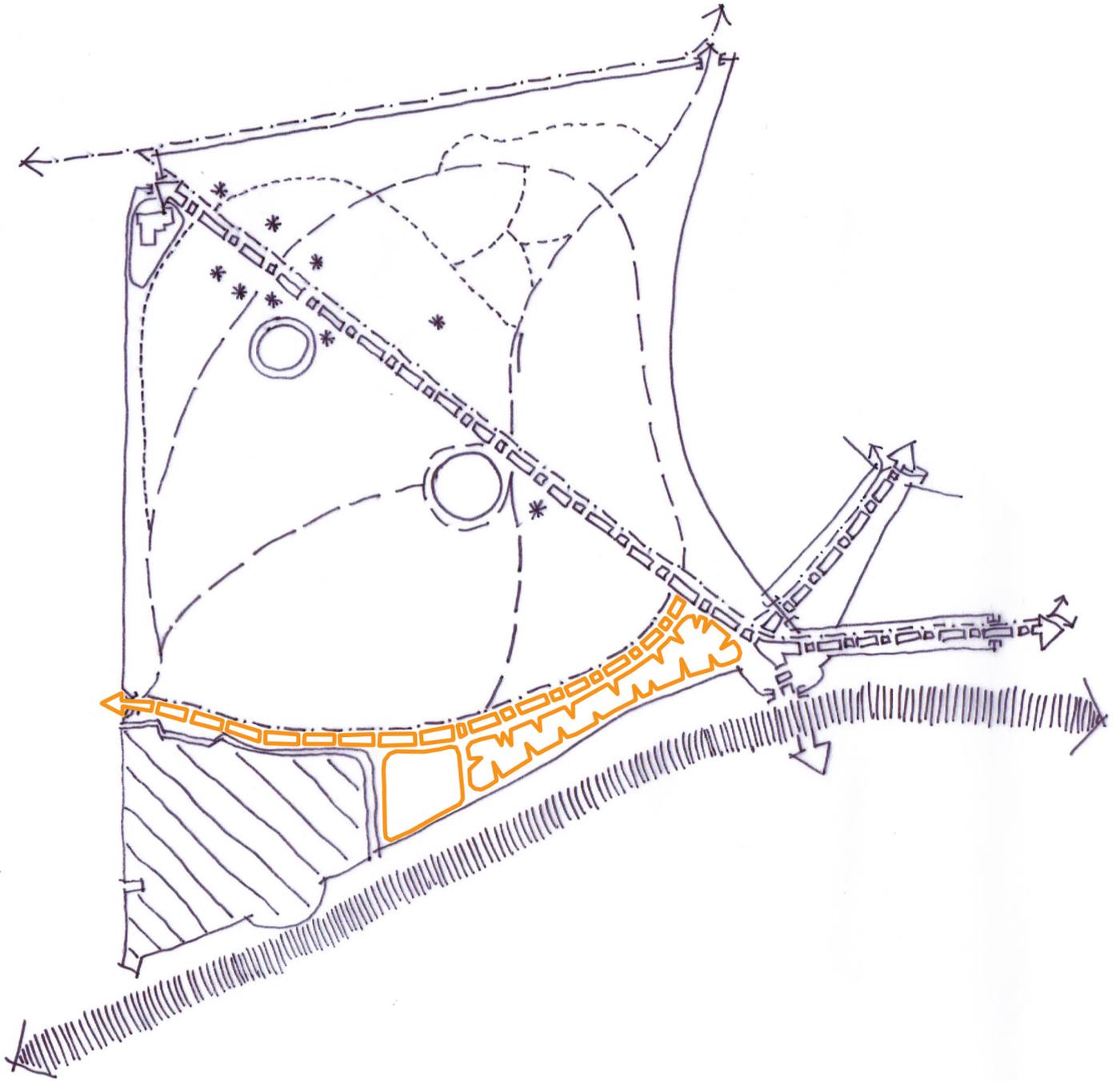


Figure 12. Plan of Project One Area

PROJECT TWO: THE LODGE

Project Description

Redevelopment of The Lodge and its surrounding area (see Fig. 13).

Project Aim

To create high quality offer which combines a range of facilities including cafe, public toilets, seating area, children's play area and petting zoo.

The Lodge

Redevelopment of The Lodge to include refurbishment of the existing building and extension to the south to facilitate a more effective cafe space accessible both from Victoria Park and Anglesea Road and including provision of public toilets.

The Lodge - Seating Area

Provision of a purpose built seating area, linked to The Lodge and to be managed as part of the same concession. The area should provide overlooking of the children's play area.

Children's Play Area

Area identified as Zone 1 (see Fig. 3), and suitable for provision of permanent play equipment for young children (see Management & Development Principles section). The play area will not form part of 'The Lodge' concession, but should be viewed as part of a grouped offer within this part of the park.

Petting Zoo

The removal of the existing 'aviary' facility has been identified within Project 3. If retention of a facility for animals is considered desirable, provision could be made for a purpose built petting zoo area, suitable for small domesticated animals, as a replacement for this facility, to the south of The Lodge on the western boundary of the park. Ideally this would be managed by the same operator as 'The Lodge' and the cafe and petting zoo would operate as a single entity.

Timescale & Funding: Medium term as the project would require significant capital funding.

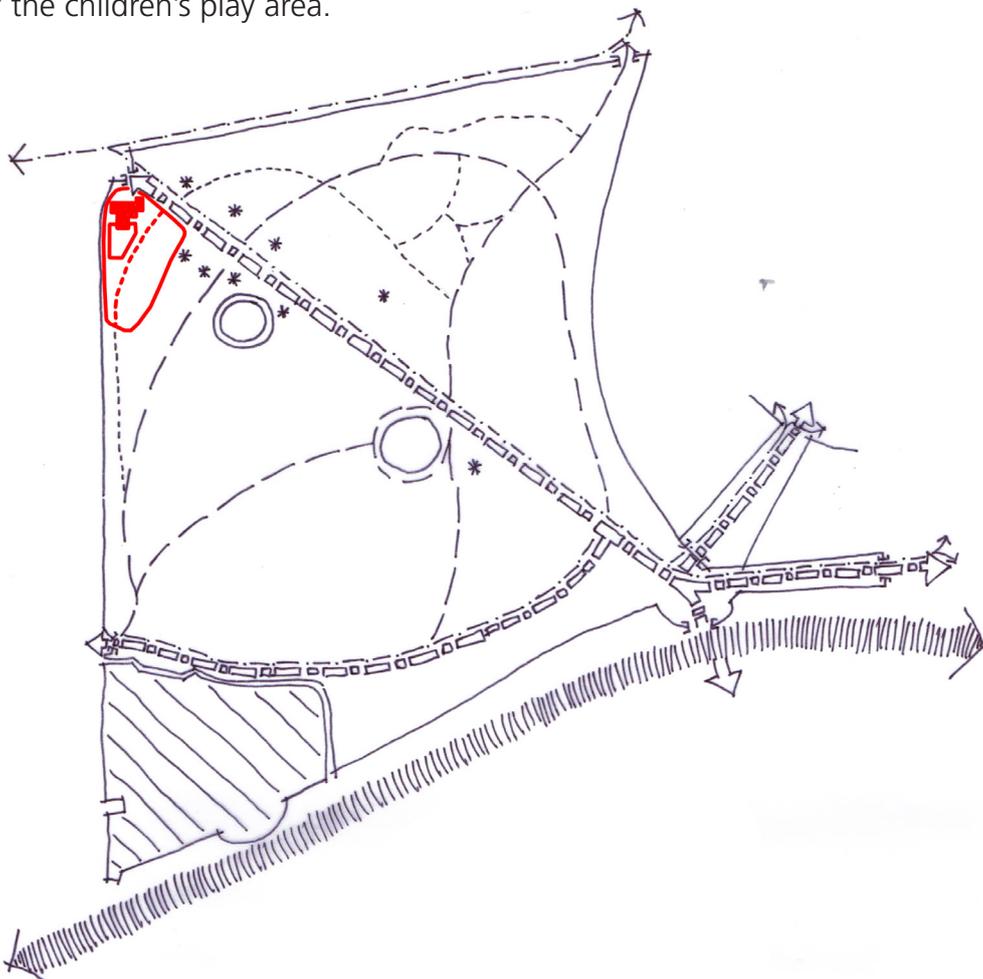


Figure 13. Plan of Project Two Area

PROJECT THREE: CENTRAL PARK SPACE

Project Description

Open up the centre of the park by removing the existing 'The Aviary', contractor compound and associated planting and replacing with a bandstand / seating feature and appropriate replacement landscaping (see Fig. 14).

Project Aim

To reinstate elements of the historic design of the park and create a more functional open space which can accommodate a greater number of users and facilitate events (see Projects 4 and 5).

Compound Removal

Following completion of Project 1, new contractors compound facilities will be provided on the southern boundary of the park. This will facilitate the removal of the existing green houses and other structures in this area. A detailed landscaping scheme would be required, but it is anticipated that the majority of existing mid level planting would be removed.

This would open up the area around the large central feature tree, creating views and an more usable space. Additionally removal of this planting would remove potential 'hiding' areas, adjacent to the main through route (see Project 4). Retention of access to utilities currently available in the compound (electricity and water) should be retained within the proposals to facilitate events (see Project 5).

Aviary Removal / Band Stand Facility

The existing aviary is in a poor state of repair, and has extensive and increasing operational costs. It is therefore proposed to remove this facility and replace it with a multi-functional bandstand / seating facility which could be used as both a resting space and to provide a hub for a range of events and activities. This facility should include access to utilities, utilising the existing connections for the aviary. If retention of a facility for animals / birds is desirable, this can be accommodated as part of Project 2.

Timescale & Funding: Medium term as the project would require significant capital funding.

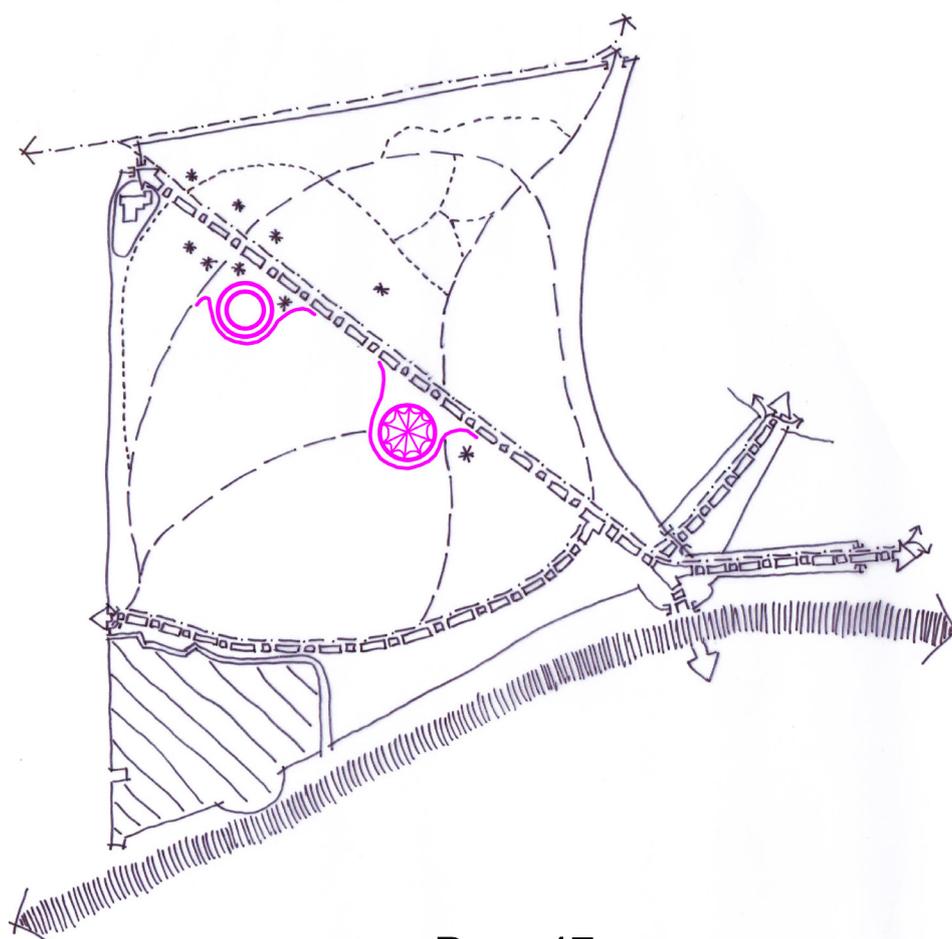


Figure 14. Plan of Project Three Area

PROJECT FOUR: ACCESS, LIGHTING & SECURITY

Project Description

Provision of access, and lighting measures to provide sufficient security for 24hr opening (see Fig. 16).

Project Aim

To ensure that should it become necessary / desirable to open the park continuously, reasonable measures have been taken to provide a safe environment for users.

Timescale & Funding: Dependent on requirement(s).

Access Points

In the event of a move to 24hr opening, ensure appropriate fixtures to allow gates to be securely held open, so that it would not be possible for members of the public to close gates without authorisation. Gates should be maintained to allow access to the park to be managed in future for purposes of maintenance and events.

Lighting

Design and installation of a lighting scheme which is appropriate to the listed setting of the park, but which increases safety after dark. A simple contemporary scheme which minimises visual intrusion (the park was not designed to accommodate lighting), and is compatible with the parks listed status will be required. It should include the following features;

- Focus on primary routes only. This is currently considered to be the NW / SE Boulevard, the Southern route, and the NE to Centre route. The whole park should not be lit.
- Lighting should be predominately low level (1m or lower), with taller lighting fixtures restricted to entrances, key junctions and or built structures (see Project 3).
- A creative approach to the lighting of the park, which creates a destination and increases footfall (and therefore security) is encouraged.

Examples of the style of lighting envisaged for the park are provided in Figures 15.

Further information is provided in the Arboriculture & Conservation Paper in Appendix 2

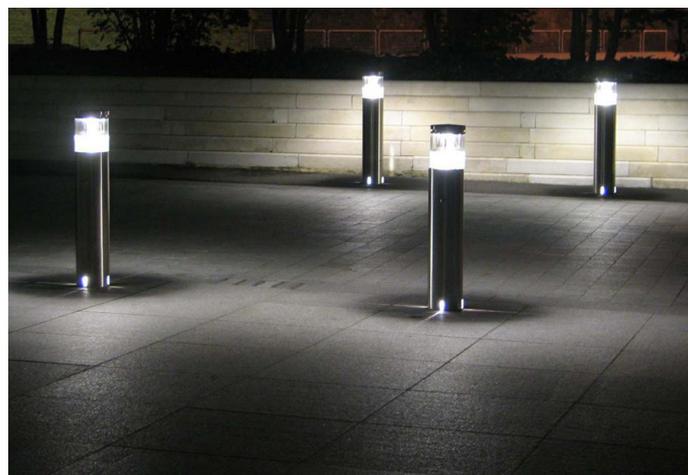


Figure 15. Examples of simple, contemporary, low height lighting solutions

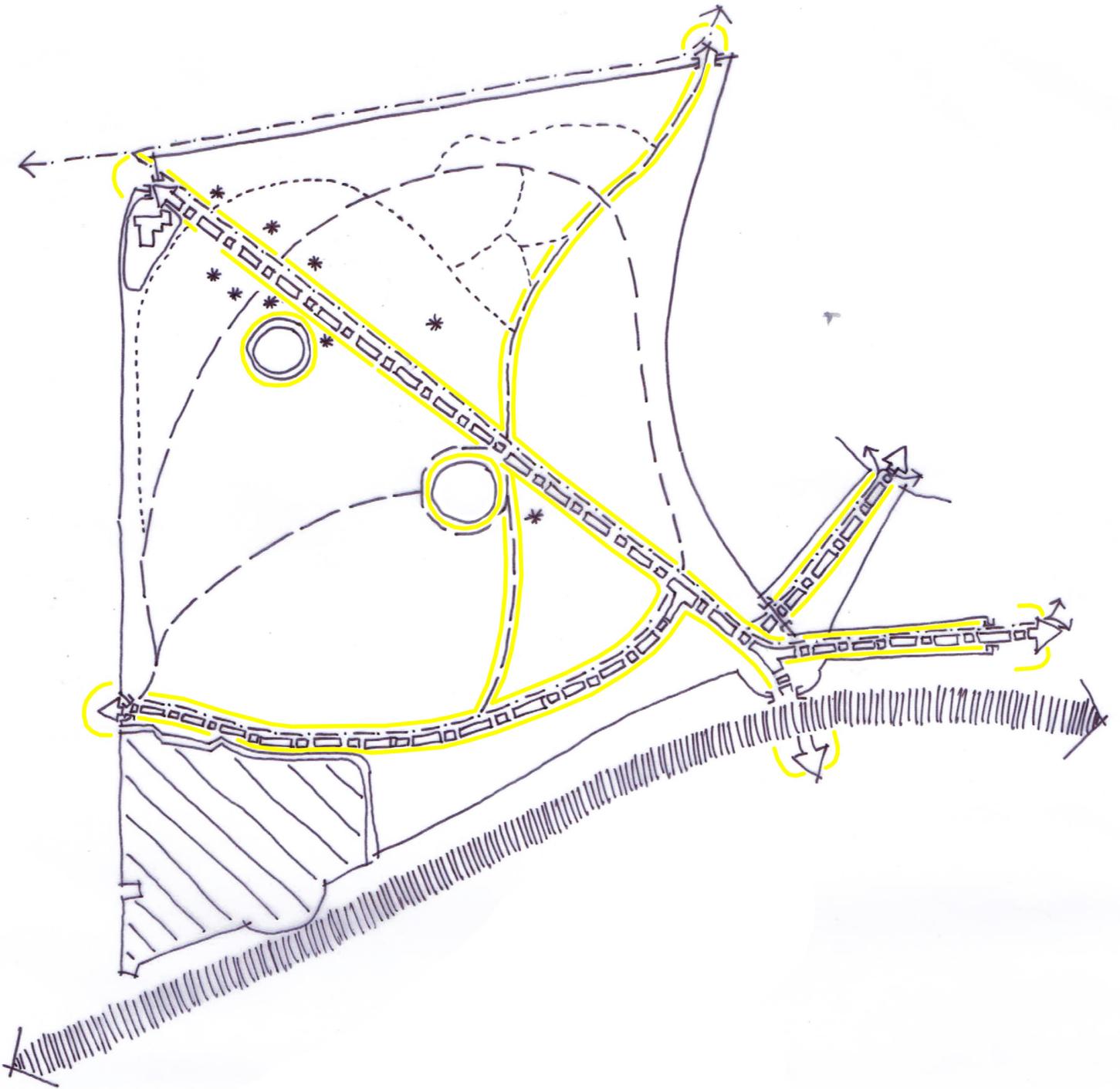


Figure 16. Plan of Project Four Area

PROJECT FIVE: EVENT INFRASTRUCTURE

Project Description

Provision of utilities access points, vehicular access, boundary control and increased areas of open space.

Project Aim

Enable the hosting of a range of small to medium sized events in the park.

Utilities Access

Provision of access to utilities (electricity and water) in the centre of the site. Ideally through the provision of a range of flush floor mounted access points, and within new structures (see Project 3).

Vehicular Access

Provision of vehicular access adjacent to areas of open space, through the designing of the western section of the expanded southern route to make it capable of taking the weight of commercial vehicles (reasonable weight and design specification to be agreed), (see Project 1).

Space Management

Enable the continued closure of specific gates into the park after commencement of 24hr opening, in order to facilitate preparation for and operation of events (see Project 4).

Increased Areas of Open Space

Developing areas of increased open space in the south and east of the park through strategic management of trees in these areas (see Areas A & B in Fig. 3 and information in Appendix 2).

Timescale & Funding: Short-Medium term, depending on scale and availability of suitable space.



Figure 17. Victoria Park has historically hosted events - Lantern Festival (Approx 1860)



Figure 18. Larger open spaces provides the opportunity for a greater range of events

APPENDIX ONE

Listing Information

Victoria Park (Grade II) - listing reference: 1000869

Including;

- Centenary Fountain (Grade II) - listing reference: 1387245

Listed Memorials are;

- HMS Orlando Monument (Grade II) - listing reference: 1387248
- HMS Powerful Memorial (Grade II) - listing reference: 1387249
- HMS Royal Sovereign Memorial (Grade II) - listing reference: 1387250
- HMS Victoria Monument (Grade II) - listing reference: 1387253
- Monument to Admiral Napier (Grade II) - listing reference: 1387255
- HMS Active Memorial (Grade II) - listing reference: 1387246
- HMS Centurion Memorial (Grade II) - listing reference: 1387247
- HMS Shah Memorial (Grade II) - listing reference: 1387252

APPENDIX TWO

Arboriculture & Conservation Paper

Victoria Park

Situation

The city council's Arboricultural and Conservation Officers have been asked to assess the trees in Victoria Park within the context of a wider urban design exercise, being handled by Spindrift, an external planning consultancy. The exercise is to undertake a citywide public realm strategy that it is intended will address the park in some detail.

As a designated heritage asset in the ownership and control of the authority, there is a duty imposed upon the council to manage, (and be seen to manage) the asset in a way that responds and is sympathetic to its status. As the 'steward' of this park it is essential to the council's credibility that it sets a good example in its management. This means demonstrably achieving the standards asked and expected of others. Circumspection and restraint is necessary when considering the felling of trees for any reason. Whilst it is not a reason to avoid making recommendations as part of an exercise such as this, it should be noted that the removal of any trees, as on other high profile sites around the city, has the potential to cause controversy.

Background

Heritage Designations

Victoria Park is an important heritage asset within the city, and is subject to multiple designations. In addition to being one of three registered historic parks/gardens in the city, (all are listed at Grade II, Victoria is the only formally laid out park), it contains a high number of individually listed assets (principally in the form of military memorials), and is also located in the Guildhall and Victoria Park Conservation Area (No.18).

Arboriculture

In arboricultural terms Victoria Park now has the feel of an arboretum. The evolution of the park and successive phases of management have increased the diversity of planting within the park and allowed the development of a "Tree Walk" which features 20 species of tree. This planting has however encroached upon areas which may previously have been grassed open spaces, especially in the areas around the site of the former bandstand and the flagstaff.

The manner of planting undertaken to date ensures there is a significant age range across the species present.

Several mature chestnut trees on the southern boundary and south west open space are showing symptoms of infection by *Pseudomonas syringae* pv. *aesculi* (Bleeding Canker of Horse Chestnut). This bacterial pathogen affects trees of all ages and produces external and internal symptoms. Ultimately the disease can lead to tree death, but trees can also have periods of remission or may recover. The dysfunction caused to the cambial layer and underlying wood of trees infected often leads to secondary colonisation by

decay fungi. One of the trees infected by *Pseudomonas* has additionally been colonised by *Armillaria mellea* - Honey fungus, this is one of the most dangerous parasites of trees, causing an intensive white rot and ultimately death; there is no cure and the fungus is responsible for large losses of trees each year. The fungus spreads by long black cords called rhizomorphs resembling bootlaces which can be found beneath the bark of infected trees, on roots or in the soil where they can travel large distances to infect other trees.

Infected trees are indicated in red on the attached plan. Trees indicated in stick form have previously been removed they are not necessarily chestnut species.

Several mature ornamental cherry species in the vicinity of the flagstaff also exhibit symptoms of the bacterial pathogen *Pseudomonas syringae* in this case pv. *morsprunorum* and pv. *syringae*. Both cause sunken patches of dead bark and small holes in leaves, called 'shotholes'. Often accompanied by gummy ooze, if the infection spreads all around a branch it will die rapidly.

Infected trees are indicated in red on the attached plan. Trees indicated in stick form have previously been removed they are not necessarily cherry species.

There are several specimens within Victoria Park which exhibit cambial damage caused either through vandalism or in some cases inappropriate use of "strimmer" type machinery.

The opportunity to increase areas of open space can be undertaken through some natural wastage. As chestnut and cherry species succumb to *Pseudomonas*, damaged trees become unsafe through the dysfunction caused which necessitates their removal. Replacement planting can be undertaken in other areas of the park.

The southern boundary abutting the railway embankment is prone to flooding and waterlogging. Planting in this area may be undertaken with moisture tolerant species, native and foreign to further increase diversity and building resilience to the potential impact of global warming.

Tree planting on the western boundary may be bolstered by additional planting to enhance the screening effect and achieve further separation from the A3 Anglesey Road. Consideration be given to the inclusion of non-native stock, increasing diversity and building resilience to the potential impact of global warming.

Currently the trees are regularly surveyed every four years and tree works are undertaken as required, however in practice this is undertaken more frequently due to the nature of the park and high use.

Recommendations

The areas indicated below correspond to the Arbortrack site plan attached.

It is not possible to make detailed suggestions for the management of the trees within Victoria Park without a clear vision of the park's proposed future use.

Despite this the following broad recommendations are made:

1. Increase in open space within specific sections of the park through the natural wastage of the existing tree stock. It is suggested that the individual trees marked in red could be felled. Possible further gradual thinning out rather than total clearance of the areas **(1)** (outlined in red), through natural wastage may also be possible over time. Removal of diseased specimens will be afforded priority.
2. As a principle, any losses or removal of trees in the park is to be mitigated through replacement planting on the western **(2)** and southern **(3)** perimeters of the park (outlined in blue). The objective being to enhance the screening of Anglesey Road, and to introduce more moisture tolerant species in these areas respectively.
3. Published and approved Conservation Area guidelines (last updated 2006) exist for the Guildhall & Victoria Park Conservation Area (No.18), with the exception of the measures outlined above; the guidelines should form the broad basis of the ongoing management of the trees in the park:
 - i) The city council will discourage the loss of trees and shrubs in this area and will promote further Tree Preservation Orders where necessary.
 - ii) The city council will continue to encourage the good management of trees in this area.
 - iii) The city council will encourage new and replacement planting of appropriate species to help maintain and enhance the character of the area

Lighting

The absence of lighting in the park is supported by historic images. Its introduction has the potential to impact significantly on its character. An excess of columns could introduce 'visual clutter' into the setting that would be detrimental.

If lighting is ultimately considered necessary, the number of columns should be kept to a minimum. A project to introduce lighting into the city's only listed park, presents an opportunity to champion quality, set a good example, and demonstrate commitment to this important heritage asset.

Victorian Columns

It is believed the authority may have a number of original Victorian cast iron columns in storage at Eastney, and/or at the Colas Depot in Cosham. In the event that a proposal for lighting the park would be seriously taken forward, the existence of these columns, (their number, condition and serviceability) should be established and consideration given to use within the park.

If this is not possible, 'contemporary' unfussy columns would be a better option than 'pastiche' or 'heritage' style alternatives.

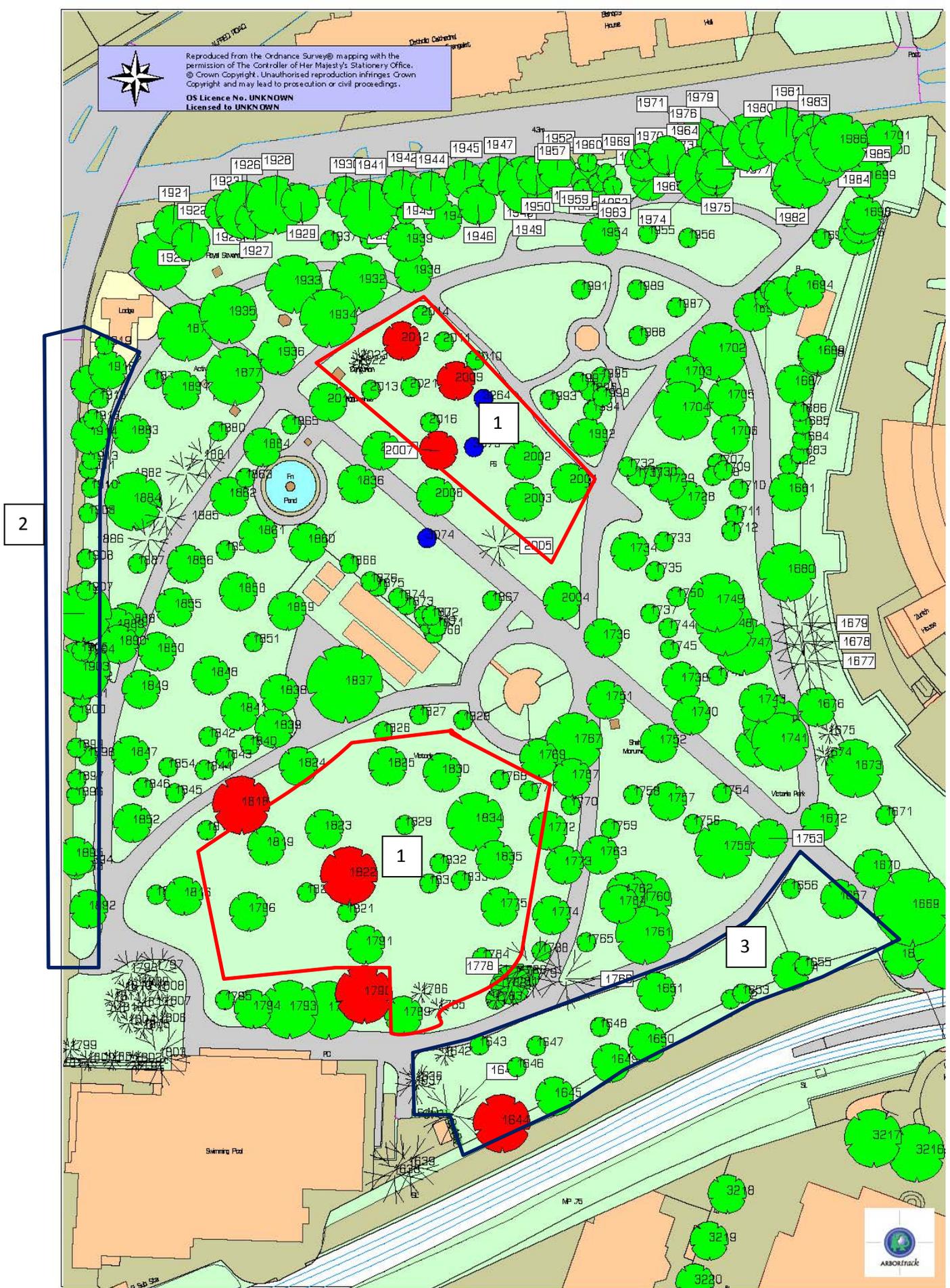
The use of low "bollard" type columns (no more than approx. 1m in height) to light the paths are recommended. Key path junctions could be identified and lit by a taller column. All should be finished in black -the standard finish required on street furniture in conservation areas.

The status of the park may justify use of a 'non-standard' or bespoke column design.

Enclosures:

1. Arbortrack site plan, tree positions indicated.

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Agenda Item 6



Portsmouth
CITY COUNCIL

Title of Meeting: Leader of the Council with responsibilities for PRED

Date of meeting: 13 July 2016

Subject: Northern Quarter: Termination of Development Agreement

Report by: Tom Southall, Property & Investment Manager

Wards affected:

Key decision: Yes

Full Council decision: No

1. Purpose of report

- 1.1 To provide the background to the recommendation to terminate the development agreement and agreement for lease between Portsmouth City Council, and Centros Portsmouth Partnership Limited (CPLP).

2. Recommendations

- 2.1 To terminate the development agreement and agreement for lease.
- 2.2 That a report is prepared for the S151 Officer and Deputy Chief Executive for action in consultation with the Leader of the Council with responsibilities for PRED on:
- i. any sums outstanding between the parties and the rights of recovery,
 - ii. property implications regarding the transfer of titles or otherwise of the properties currently held in trust on behalf of CPLP.

3. Background

- 3.1 The initial development agreement was entered into on 23 March 2004 which included a clause to recover the council's associated costs of up to £450,000. The development was not implemented, and the agreement documentation has undergone review, and amendment, aimed at facilitating the delivery of a scheme.
- 3.2 Following the failure to implement the scheme which received planning permission in 2006 extensive work was undertaken by the Council and its advisory team to make further revisions to the development agreement at the request of CPLP, this

included promoting a related City Centre Road scheme, and also considering options around a joint enterprise.

- 3.3 This work was done at risk of costs, with significant payments due to be paid to the Council on the execution of the various legal documents effecting the amendments.
- 3.4 CPLP declined to enter into the agreements at the point of execution, and there is no fit for purpose contractual apparatus to provide for the delivery of development in the city's northern quarter.

Planning Position

- 3.5 The current Local Plan that allocates the land for development is now under review and the whole of the city centre is being re-examined with further development and growth opportunities identified. As the Local Plan will not go to Examination until late 2018 an early concept plan will be developed in the coming months to enable the whole area to be considered to avoid incremental development occurring that could undermine the future growth potential for the city centre This will be dealt with through a separate report from the Director of Culture and City Development.

Property Implications

- 3.6 There are 5 commercial properties and 2 residential properties that are currently held in trust by the City Council on behalf of CPLP. Upon termination these properties will need to either be i. conveyed to CPLP with all management responsibility passing accordingly, or ii. retained by paying CPLP market value for these assets. These implications will be subject to a further report as detailed under recommendation 2.2 above.

4. Reasons for recommendations

- 4.1 The Council and CPLP have sought to work together over an extensive period of time, but find that the opportunity to develop a scheme within the framework of the extant development agreement is not possible.

5. Legal implications

- 5.1 The Council is entitled to terminate the development agreement on the giving of 10 days of notice. This arises as a result of the unconditional date having not occurred by the date which is 72 months after the date of the Agreement (being 23 March 2010). Either party may, whilst the relevant condition precedent or conditions precedent remain unsatisfied) give 10 working days' notice to the other terminating the development agreement.
- 5.2 The Council is entitled to retain all monies paid to it up to the date of termination.

5.3 Any monies due to the Council up to the date of determination under the Agreement will be the subject of a further report as per 2.2 above.

6. Director of Finance's comments

6.1 The Council has incurred significant costs to progress the project however as the revised development agreement was never signed, there are costs outstanding which are detailed in the confidential appendix A.

6.2 The recovery of these costs and those associated with the properties held in trust on behalf of CPLP will be the subject of a further report for the S151 Officer and Deputy Chief Executive for action in consultation with the Leader of the Council with responsibilities for PRED.

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Signed by:

Appendix:

Exempt Appendix A (under Local Government Act 1972, Schedule 12A (as amended) Paragraph 3

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

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